

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JUL 26 2010

JOHN F. CORCORAN, CLERK  
BY: *S. Jewell*  
DEPUTY CLERK

THOMAS SCOTT VANDEGRIFT,  
Plaintiff,

v.

CITY OF ROANOKE SHERIFF'S  
OFFICE,

OCTAVIA L. JOHNSON, individually  
and in her official capacity as Roanoke  
City Sheriff;

BRANDON YOUNG, individually  
and in his official capacity as Roanoke  
City Sheriff's Office Deputy;

KENNETH FERRELL, individually  
and in his official capacity as Roanoke  
City Sheriff's Office Deputy;

JEWELL PAYNE, individually  
and in her official capacity as Roanoke  
City Sheriff's Office Deputy;

Defendants.

Civil Action No. 7:10-cv-00054

Order

By: Hon. James C. Turk  
Senior United States District Judge

For the reasons contained in the Court's July 15, 2010 Order (Dkt. No. 27), it is hereby

**ORDERED**

that the official capacity claims alleged against all the named defendants in the Amended Complaint (Dkt. No. 23) are **DISMISSED**.<sup>1</sup> Because the dismissal of all the official capacity claims results in the dismissal of the only claim against the City of Roanoke Sheriff's Office, and

<sup>1</sup> Although Defendants Ferrell and Payne have not yet answered or responded to the amended complaint, the Court will *sua sponte* dismiss the official capacity claims against these Defendants as well.

results in the City of Roanoke Sheriff's Office no longer being a party to the action, the case shall hereafter be styled *Vandegrift v. Johnson, et al.*

Similarly, for the reasons contained in the Court's July 15, 2010 Order, it is also hereby,

**ORDERED**

that Plaintiff's claim seeking injunctive relief as set forth in the Amended Complaint is **DISMISSED**.

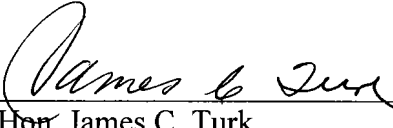
Accordingly, it is hereby,

**ORDERED**

that the Defendants' Motions to Dismiss (Dkt. No.'s 29 & 31) are **GRANTED**.

The Clerk of Court is directed to send a copy of this Order to counsel of record for the respective parties.

ENTER: This 26<sup>th</sup> day of July, 2010

  
\_\_\_\_\_  
Hon. James C. Turk  
Senior United States District Judge